

CITY OF NEWPORT

DOCKET OF THE COUNCIL

The following items of business, filed with the City Clerk under the Rules of the Council, will come before the Council at its regular meeting to be held on **August 10, 2011, at 6:30 p.m.**

PLEDGE OF ALLEGIANCE TO THE FLAG

CITIZEN'S FORUM: (Speakers must sign in with the City Clerk). The Citizen's Forum period shall be no longer than fifteen minutes and citizens may address the Council on **one subject only and for no longer than three minutes**. Issues to be discussed shall not include matters to be considered or discussed as part of the regular council agenda and must be related to substantive city business. No comments regarding personnel or job performance are allowed.

1. ***PUBLIC HEARING:** Proposed Amendments to the Zoning Ordinance: Section 17.08.010 (Definition of "Convalescent Homes and Rest Homes") and Section 17.100.040(E.) (Expansion of convalescent homes and rest homes that existed prior to April 13, 1977).

***TO BE CONTINUED TO THE AUGUST 24, 2011, COUNCIL MEETING**

2. **CONSENT CALENDAR.** (THE CONSENT CALENDAR IS APPROVED IN ITS ENTIRETY UNLESS THE COUNCIL REMOVES AN ITEM FOR DISCUSSION. ALL LICENSES ARE GRANTED SUBJECT TO COMPLIANCE WITH ORDINANCES #31-80 AND #98-40.)

- a. Minutes of the June 8, June 22, and July 13, 2011, Council Meetings (Approve)

It is the practice of the Council to meet at 6:20 p.m. in the second-floor Conference Room to discuss docket items. The public is invited to attend. The docket, along with all supporting documents, can be viewed on the City of Newport website: www.cityofnewport.com – "Current Newport City News & Announcements" – Click on "MORE NEWS." Council Meetings can be viewed on Cox Cable, Channel 18; check local listings for dates and times. A DVD of the Council Meeting will be available at the Newport Public Library within 48 hours of the meeting.

LIVE VIDEO CONFERENCING OF COUNCIL MEETINGS AND WORKSHOPS WILL BE AVAILABLE AT THE NEWPORT POLICE STATION, WHICH IS ACCESSIBLE AND MEETS ADA REQUIREMENTS, **BASED UPON NOTIFICATION TO THE CITY MANAGER'S OFFICE (845-5429) A MINIMUM OF 48 HOURS IN ADVANCE OF THE MEETING.** INDIVIDUALS REQUIRING INTERPRETER OR OTHER ACCOMMODATIONS MUST NOTIFY THE CITY MANAGER'S OFFICE TWO WEEKS IN ADVANCE OF THE MEETING.

b. Special Event Licenses:

- 1) Newport Art Museum, d/b/a "Wet Paint": Newport Art Museum, 76 Bellevue Ave., August 20, 2011, from 5:30 p.m. to 8:00 p.m., and August 21, 2011, from 11:30 a.m. to 5:00 p.m.
- 2) Newport Art Museum, d/b/a "4th Friday"; Newport Art Museum, 76 Bellevue Ave., August 26, September 23, and October 28, 2011, from 6:00 p.m. to 9:00 p.m.
- 3) Newport Restoration Foundation, d/b/a "Doris Duke Historic Preservation Awards"; Rough Point, 680 Bellevue Ave., September 9, 2011, from 6:00 p.m. to 8:30 p.m.
- 4) International Tennis Hall of Fame, d/b/a "Al Jardine in Concert"; Internat'l Hall of Fame, 194 Bellevue Ave., September 18, 2011, from 5:30 p.m. to 7:00 p.m.
- 5) Ellen M. Kelly, d/b/a "Brigid E. Kelly 3.5 Walk/Run"; October 8, 2011, from 9:00 a.m. to 1:00 p.m. , beginning and ending at Gooseberry Beach (route attached to application)
- 6) Salve Regina University, d/b/a "35th Annual Governor's Ball"; SRU, 100 Ochre Pont Ave, December 3, 2011, from 9:00 p.m. to 1:00 a.m.
- 7) Fort Adams Trust, d/b/a "Festival of Lights"; Fort Adams State Park, December 10 (rain date, Dec. 11), 2011, from 8:00 a.m. to 8:00 p.m.

c. Annual Catering License, Ben's Chili Dogs, LLC, 158 Broadway

d. Daily Entertainment Licenses, Ancient Order of Hibernians, 2 Wellington Ave., September 16 and 17, 2011, from 6:00 p.m. to 12 Midnight.

e. Holiday Selling License, New, Denise Cole and Donnell Cole, d/b/a Essence Beauty Salon, 51-53 Marlborough St.

f. Holiday Selling License, Renewal, The Linen Shop, LLC, d/b/a The Linen Shop, 196 Bellevue Ave.

- g. Pedicab Operator License:
 - 1) Scott Paul Clark, 69 Henarick St., Providence, RI
 - 2) Richard J. Conte, Jr., 70 Carroll Ave., Newport, RI
 - 3) James Forrey, 28 Jennifer Place, Glen Rock, NJ
 - 4) Adam Gallagher, 9 Laura Circle, Cranston, RI
 - 5) Mark Marine, 67 Vernon St., Providence, RI
 - 6) Taylor Sullivan, 177 Forest Rd., Allendale, NJ
- h. Communication from Marilynne Manning asking permission to close Whitwell Ave., from Bliss Rd. to Robinson St. for a neighborhood block party on August 20 (rain date, Aug. 21), 2011, from 4:00 p.m. to 10.00 p.m. (Approve subject to detail being worked out with city administration.)
- i. Communication from Larry Sheehan, President, Morgan ¾ Group, asking permission to use the east parking lot of Easton's Beach on September 23, 2011, from 9:30 a.m. to 4:00 p.m. for the Annual Autocross. (Approve subject to details being worked out with the city administration.)
- j. Communication from Jim Horiagon, Rhody Rickshaw providing notice of relinquishment of his two pedicab licenses. (Receive)
- k. CRMC Public Notice, re: File No. 2011-07-018, Application of Peter Brown for an Assent to construct and maintain a three-acre aquaculture farm northeast of Coggeshall Point, Portsmouth. (Receive)
- l. Claims: (Receive and refer to City Solicitor)
 - 1) Kevin and Lisa Carlos
 - 2) Stephanie Knightly
 - 3) Michael D. O'Hare, by attorney
 - 4) Cedar Poirier
 - 5) Janice L. Violante

LICENSES & PERMITS

- 3. Application of Pirate Pedicab, LLC, d/b/a Pirate Pedicab, to expand its Pedicab Business License to add two additional pedicabs (relinquished by Rhody Rickshaw Pedicab Co.)

COMMUNICATIONS & PETITIONS

4. Communication from George Brian Sullivan, Ph.D., re: The Ad Hoc Newport/*Amor Vincet Omnia* City Flag Committee.

5. **APPOINTMENT TO BOARDS AND COMMISSIONS**

Energy & Environment Commission – Reappointment of Beth Milham

RESOLUTIONS

6. Requesting Notice Be Provided to the Towns of Middletown and Portsmouth of City of Newport Council-approved Special Events – C. Duncan, S. Waluk, K. Leonard
7. In Support of Newport County Joint Workshop to Discuss Regionalization and Matters Related Thereto – S. Waluk

ORDINANCES

8. Amending Section 3.16.060 of the Codified Ordinances, entitled, “Pay Schedule for...Fire Division.” (First Reading)
9. Amending Section 5.12.060 of the Codified Ordinance, entitled, “Regulations of the Board of License Commissioners,” Paragraph J, by replacing Table I, “Sound Levels by Receiving Land Use.” (Second Reading)
10. Amending Chapter 5.97 of the Codified Ordinances, entitled, “Pedicabs”: Section 5.97.120, “Pedicab Decal”; Section 5.97.110, “Fare Schedule”; and Section 5.97.220, “Regulations for Pedicab Operations.” (Second Reading)
11. Amending Section 8.12.080 of the Codified Ordinances, entitled, “Maximum Permissible Sound Levels by Receiving Land Use,” by replacing Table I. (Second Reading)
 - Memorandum from the City Manager, re: Noise Ordinance Amendments
12. Amending Section 10.20.110 of the Codified Ordinances, entitled, “Operational Regulations and Restrictions for Valet Parking Service.” (Second Reading)

13. Amending Section 10.20.170 of the Codified Ordinances, entitled, "Towing by Police Division." (Second Reading)

COMMUNICATIONS FROM THE CITY MANAGER

14. Memorandum from the City Manager, re: Request for Removal of Street Light Pole – 205 Ocean Avenue.
15. Communication #4877/11, re: Award of Contract for Broadway Streetscape Final Design Phase (with accompanying resolution; continued from July 27, 2011)
--- Memorandum from the City Manager, Broadway Streetscape Final Engineering
16. Communication #4885/11, re: National Grid Petition for Pole Location at 365 Thames Street.
17. Communication #4886/11, re: US Environmental Protection Agency Grant - Affirmation of Award for Easton Pond Ultraviolet (UV) Stormwater Treatment Project (with accompanying resolution)
18. Communication #4887/11, re: Bid Award for Water Division Meter Read Laptop Computer (with accompanying resolution)
19. Communication #4888/11, re: Bid Award for Road Materials (with accompanying resolution)
20. Communication #4889/11, re: Agreement with Newport Yachting Center – Use of Easton's Beach Parking Lot for International Boat Show Parking (with accompanying resolution)
21. Communication #4890/11, re: Agreement with The Preservation Society of Newport County – Use of Easton's Beach Parking Lot for Annual Society's Food & Wine Festival Parking (with accompanying resolution)
22. Communication #4891/11, re: Ordinance Amendment – 20 mph Speed Limit on Thames Street, between Poplar St. and Marlborough St. (with accompanying ordinance)

ADJOURN AS COUNCIL AND CONVENE AS BOARD OF LICENSE
COMMISSIONERS

BOARD OF LICENSE COMMISSIONERS

CONSENT CALENDAR (THE CONSENT CALENDAR IS APPROVED IN ITS ENTIRETY UNLESS THE COUNCIL REMOVES AN ITEM FOR DISCUSSION. ALL LICENSES ARE GRANTED SUBJECT TO COMPLIANCE WITH ORDINANCES #31-80 AND #98-40.)

1. Class F Daily Liquor License, Newport Art Museum, 76 Bellevue Ave., August 20, 2011, from 5:30 p.m. to 8:00 p.m., and August 21, 2011, from 11:30 a.m. to 5:00 p.m.
2. Class F-1 Daily Liquor Licenses:
 - a) Newport Art Museum, 76 Bellevue Ave., August 26, September 23, and October 28, 2011, from 6:00 p.m. to 9:00 p.m.
 - b) International Tennis Hall of Fame, 194 Bellevue Ave., September 18, 2011, from 4:30 p.m. to 7:00 p.m.

ADJOURN

Kathleen M. Silvia
City Clerk

August 3, 2011